

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the foregoing amendments and the following remarks.

Status of Claims

Claims 1 and 3-18 are pending in the application. Claim 1 has been amended. Claim 2 has been cancelled.

Amendment in Response to the Advisory Action

The Advisory Action stated that Applicant's Amendment filed June 10, 2003 failed to place this Application in condition for Allowance because the amendments raised new issues and because Applicant's arguments were not persuasive to overcome the rejections.

Applicant has amended claim 1 and inserted the language that "the film comprises a crystallizable thermoplastic which is selected from the group consisting of ..." instead of "... consisting essentially of...". This language is clearly supported by formed claim 2.

new matter
Applicant has further amended claim 1 to state that the film is "polyolefin-free". This is supported by the specification as a whole and the examples. It is evident that Applicant's film does not contain any polyolefins.

Response to the Art rejections in the Office Action§103 Rejections

Claims 1 - 7 and 12 - 16 are rejected as unpatentable over Kim et al. in view of Srinivasan. Claim 8 is rejected as unpatentable over Kim et al. in view of Srinivasan in further view of Tono et al. Claim 10 is rejected as unpatentable over Kim et

al. in view of Srinivasan in further view of von Meer. Claims 9 and 11 are rejected as unpatentable over Kim et al. in view of Srinivasan in further view of Yamazaki.

Applicant respectfully disagrees in view of the foregoing amendments and the following remarks.

Kim et al. discloses a synthetic paper made from a resin blend of polyester and polyolefin with inorganic particles added to that blend. Kim et al., Column 1, line 61 - Column 2, line 2; Column 2, lines 32 - 34; and Column 2, lines 47 - 49.

Srinivasan discloses a flame resistant/UV stable nonwoven made from a thermoplastic resin and a N-alkyoxy amine (flame retardant). Abstract.

wrong The claims have been amended to define the thermoplastic as a polyester. Support for the amendment is found in the specification at Page 5, lines 20 - 24.

Conf The combination of Kim et al. and Srinivasan is improper. Kim et al describes a blend or mixture of a polyester and polyolefin to make a synthetic paper. Kim et al cannot be modified by eliminating the polyolefin. MPEP 2143.01. Such a modification would require a substantial reconstruction of the Kim et al reference. MPEP 2143.01, Section citing *In re Ratti*. Such a modification would make the Kim et al. formulation unsuitable for its intended purpose, i.e., synthetic paper. MPEP 2143.01, Section citing *In re Gordon*.

Contrary thereto, Applicant's film does not contain a polyolefin. Accordingly, the Kim et al. reference must be removed, and then all the §103 rejections against the claims must fail.

FAX RECEIVED
AUG 11 2003
GROUP 1700

Conclusion

In view of the foregoing amendments and comments, Applicant respectfully requests an early Notice of Allowance in the instant application.

Respectfully submitted,

K. Schweitzer

Klaus Schweitzer
See attached Limited Recognition
Under 37 CFR§10.9(b)

ProPat, L.L.C.
2912 Crosby Road
Charlotte, NC 28211
Telephone: 704-365-4881
Facsimile: 704-365-4851

OFFICIAL